THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No.15421 of 2007

DATED: 20.07.2007

Between:

P. Venkatramana .. Petitioner

And

The Registrar, Osmania University
Osmania University Campus,
Hyderabad,
and others. .. Respondents

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No.15421 of 2007

ORDER:

In this writ petition, the petitioner seeks directions by way of a Mandamus to declare the action of the first respondent in forwarding the proceedings No.7470/H/UG/Shifts/2007-2008/Acad/IV-2, Dt.28.06.2007, to the second respondent on the representation of the fourth respondent for shifting of their College from Siddipet to Toopran of Medak District.

2. The petitioner has an existing Degree College, which is being run in the name of Nalanda Degree College at Toopran Village and Mandal of Medak District. There is another existing College, which is being run in the name of Ellanki Degree College by the fourth respondent, in Siddipet of Medak District. It appears, the fourth respondent has applied for grant of permission from the competent authority i.e., the Secretary, Andhra Pradesh State Council of Higher Education, Hyderabad-second respondent for shifting of their College from the present premises i.e., from Siddipet to Toopran for the Academic Year 2007-08. In connection with the said application filed by the fourth respondent, it seems a report is called for from the Osmania University, to which, the College of the fourth respondent is affiliated. In the impugned proceedings, dated 28.06.2007, the Registrar, Osmania University-the first respondent, has submitted its

report to the second respondent stating that the Committee constituted by it has inspected and recommended to shift the College of the fourth respondent from Siddipet to Toopran of Medak District. In the same impugned proceeding, it is also stated that, earlier, the management of the fourth respondent has not fulfilled certain conditions, but subsequently, it has complied the conditions, and saying so, the impugned proceeding is sent by the Registrar of the Osmania University-first respondent to the second respondent.

It is the grievance of the petitioner that though the A.P.State Council of Higher Education has issued notification on 17.01.2007 identifying some Mandals for grant of permissions to new Degree Colleges, but however, Toopran is not notified. It is further submitted that having regard to the number of students passed in Intermediate, there is no need to have a second Degree College in Toopran.

3. Heard the learned counsel for the petitioner and Sri Deepak Bhattarcharjee, learned Standing Counsel for the first respondent.

4. In the instant case, it has to be seen that the permission to shift the fourth respondent's College is not yet granted by the competent authority on the application of the fourth respondent, and the impugned proceeding is only a report of the Registrar of the Osmania University-first respondent to the competent authority.

5. As much as the impugned proceeding is only a report and as final orders are not yet passed, I dispose of the writ petition permitting the petitioner to file a representation before the second respondent, which is the competent authority, stating his objections on the proposal of the fourth respondent in shifting of his College. If the petitioner files any such objections before the second respondent within a period of

two weeks from today, the second respondent-competent authority shall consider the said objections of the petitioner before deciding the application of the fourth respondent. Further, it is made clear that this Court has not expressed anything on merits with regard to the proposal of the fourth respondent. However, it is open for the second respondent-competent authority to consider the proposal of the fourth respondent as well as the objections of the petitioner on its own without influenced by any of the observations of this Court.

With the above directions, the writ petition is disposed of. No order as to costs.

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(R.SUBHASH REDDY,J)

Dt.20.07.2007
v v